

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6961 of 2006(V)

CP.142/2006 of J.M.F.C.-I,HOSDRUG
CRIME NO.115/06 OF AMBALATHARA POLICE STATION
.....

PETITIONER/ACCUSED

VAZHAVALAPPIL MOHANAN,
S/O.KUNHIRAMAN,
RESIDING AT ACHIKKANAM,
AMBALATHARA VILLAGE.

BY ADV. SRI.M.THAMBAN

RESPONDENT: COMPLAINANT

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 6961 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the sole accused in Crime No.115/05 of Ambalathara Police Station for an offence punishable under section 55 (a) of the Abkari Act for allegedly having been found in possession of 4 ½ litres of illicit arrack on 21.8.2005, seeks anticipatory bail.

2. Admittedly, due to the non-appearance of the petitioner before the J.F.C.M.-I, Hosdurg, where the case is pending as C.P.No.142/06, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this observation, this bail application is dismissed.

V.RAMKUMAR, JUDGE

dsn